

UNITED STATES DISTRICT COURT

OCT 11 2021

for the

Nathan Ochsner, Clerk

Southern District of Texas

United States of America)
 v.)
 Diana MORENO, YOB: 1978, USC)
 Carlos Adrian MARQUEZ-Perozo, YOB: 1989,)
 Venezuelan Natonal)
 Yarely Saray Guadalupe ORTEGA-Moreno,)
 YOB: 2001, USC)

Case No.

M-21-2131-M

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of October 10, 2021 in the county of Starr in the
Southern District of Texas, the defendant(s) violated:

Code Section

31 USC 5332

Offense Description

-knowingly and intentionally attempted to evade currency reporting requirements by knowingly concealing a total of \$223,988 in United States currency on their persons and in their belongings before exiting the United States into Mexico at the Falcon Dam, Texas Port of Entry.

This criminal complaint is based on these facts:

See attachment "A"

☒ Continued on the attached sheet.

Complaint authorized by AUSA Paxton Warner

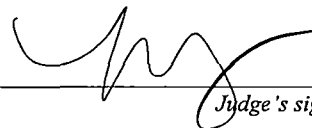
/s/ Oscar Ysaguirre

Complainant's signature

Oscar Ysaguirre, Special Agent, HSI

Printed name and title

Submitted by reliable electronic means,
 sworn to and attested telephonically per Fed.
 R. Cr. P. 4.1, and probable cause found on:

Date: October 11, 2021 9:18 AMCity and state: McAllen, Texas

Judge's signature

Nadia S. Medrano, U.S. Magistrate Judge

Printed name and title

Attachment "A"

I, Oscar Ysaguirre, Special Agent with United States Immigration and Customs Enforcement, Homeland Security Investigations (HSI), being duly sworn, depose and say the following:

On October 10, 2021, at approximately 8:45 a.m., U.S. Customs and Border Protection Officers encountered Diana MORENO as she attempted to drive a gray Mercedes Benz SUV with State of Georgia license plates into Mexico at the Falcon Dam, Texas Port of Entry. Also in the vehicle with MORENO were her boyfriend, identified as Carlos Adrian MARQUEZ-Perozo, MORENO's daughter, identified as Yarely Saray Guadalupe ORTEGA-Moreno, ORTEGA's boyfriend, identified as Brandon Terrell DIXON, and MORENO's three (3) year old daughter.

None of the occupants declared any money when asked by Officers if they were transporting any firearms, ammunition or currency in excess of \$10,000. Officers referred the vehicle and occupants for a secondary inspection due to the large amount of luggage contained inside the vehicle.

Once at secondary, the occupants were again asked if they were transporting any firearms, ammunition or currency and none of them declared any money. During the secondary inspection, Officers found a large amount of currency in a fanny pack being worn by MARQUEZ. A pat down revealed MARQUEZ also had two (2) bundles of cash in each sock. These bundles were wrapped in black tape. Officers found additional currency concealed under the insoles of MARQUEZ's shoes. In total, MARQUEZ had \$51,448 in his fanny pack, concealed on his person and in his shoes.

Officers then focused their attention on the other occupants. An inspection of MORENO's purse led to the discovery of a large amount of loose cash inside. A pat down of MORENO revealed she had eight (8) bundles of cash strapped around her abdominal area. MORENO was also found to be concealing another bundle of cash inside an orthopedic boot on her left leg. All the bundles were wrapped in black tape. Officers found more loose cash under the insole of her shoe. Further inspection

revealed MORENO had more currency stitched into the lining of her purse. In total, MORENO had \$104,800 concealed in her purse, on her person, and in her shoe.

An inspection of ORTEGA revealed she also had a large amount of currency in a fanny pack she was carrying. A pat down of ORTEGA revealed she had loose cash concealed inside her bra, inside her leggings, and beneath the insoles of her shoes. In total, ORTEGA had \$17,580 in her fanny pack, concealed on her person and in her shoes.

A search of the vehicle and its contents resulted in the discovery of an additional \$10,000 concealed in packages of baby wipes and \$40,160 concealed in diapers inside a diaper bag. The total amount of currency located during the secondary inspection was \$223,988 in U.S. currency. Officers detained the occupants and contacted HSI.

HSI Falcon Dam Special Agent (SA) Oscar Ysaguirre responded to assist with the investigation. SA Ysaguirre proceeded to interview MORENO. Also present during the interview was U.S. Customs and Border Protection Enforcement Officer (CBPEO) Mario Canales. SA Ysaguirre read MORENO her Miranda Rights and MORENO waived her right to an attorney.

MORENO stated she often travels from Georgia to Mexico to visit her mother, who lives in Queretaro. MORENO said she was aware it is illegal to transport over \$10,000 to Mexico without declaring it. MORENO stated an acquaintance of hers known to her only as "TERROR" asked her to transport money to Mexico for him since he knew MORENO routinely travelled to Mexico. MORENO said TERROR reassured her it was fine for each person travelling with her to take up to \$10,000.

MORENO stated she agreed to transport the money but claimed she was unaware of exactly how much money she was transporting. When asked if she counted the money to ensure each person was taking less than \$10,000, MORENO stated she did not. SA Ysaguirre explained to MORENO that, even if she divided the money into \$10,000 for each person to smuggle into Mexico, she still knew, based on her own statement, that she was conspiring to smuggle over \$10,000 for "TERROR".

MORENO then stated she did not wish to answer any further questions without an attorney present and the interview was terminated.

SA Ysaguirre and CBPEO Canales then proceeded to interview ORTEGA. SA Ysaguirre read ORTEGA her Miranda Rights and ORTEGA waived her right to an attorney.

ORTEGA stated she was accompanying her mother to Mexico to have elective surgery performed. ORTEGA admitted she went to Mexico frequently with her mother and had recently had her teeth worked on over there. ORTEGA said the money found in her fanny pack was hers and she was going to use it to pay for her surgery.

ORTEGA stated her mother gave her a bunch of money and told her to conceal it while they crossed into Mexico. ORTERGA said she did not know exactly how much money her mother had given her. ORTEGA denied knowing it was illegal to export over \$10,000 without declaring it. ORTEGA claimed she never noticed the signs clearly posted at the ports of entry stating the need to declare the exportation of over \$10,000, even though she has crossed the border several times.

SA Ysaguirre and CBPEO Canales then interviewed MARQUEZ. SA Ysaguirre read MARQUEZ his Miranda Rights and MARQUEZ waived his right to an attorney.

MARQUEZ stated all the money he had in his fanny pack and concealed on his body was his. MARQUEZ said he made money by working as a barber, working in landscaping, and as a musician. MARQUEZ stated, though the money was his, he didn't know exactly how much he had. MARQUEZ claimed he did not know it was illegal to export over \$10,000 without declaring it. MARQUEZ admitted he saw the sign at the port today stating the need to declare over \$10,000, but he still failed to declare his money. MARQUEZ stated today was the first time he ever noticed the sign. (Note: this sign is posted so it is visible well before travelers arrive at the outbound inspection area).

SA Ysaguirre and CBPEO Canales then interviewed DIXON. SA Ysaguirre read DIXON his Miranda Rights and DIXON waived his right to an attorney. DIXON stated he came on this trip to accompany his girlfriend (ORTEGA) to Mexico. DIXON denied having knowledge of any currency smuggling. DIXON stated he never saw MORENO give ORTEGA or MARQUEZ any money and never heard any of them speak about smuggling money to Mexico. (Note: DIXON was not found to be in possession of any bulk cash).

SA Ysaguirre placed MORENO, MARQUEZ and ORTEGA under arrest for violations of Title 31, United States Code, section 5332 (Bulk Cash Smuggling). They will remain in HSI custody pending their initial appearances before a United States Magistrate Judge.